

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WILLY EARL MCCLELLAN, Plaintiff, v. HARRY E. WILSON, et al., Defendants.	CIVIL ACTION NO. 06-1930
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ORDER

AND NOW, this 26th day of February, 2007, upon consideration of the Petition for Writ of Habeas Corpus and respondent's opposition thereto, and after review of the Report and Recommendation of United States Magistrate Judge L. Felipe Restrepo, and the parties' objections thereto, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The petition for writ of habeas corpus is **DENIED**; and
3. A Certificate of Appealability shall not issue since a reasonable jurist could not conclude that the court is incorrect in dismissing the habeas petition without prejudice.

BY THE COURT:

/s/ Marvin Katz

MARVIN KATZ, S.J.